IN THE HIGH COURT OF CHHATISGARH AT BILASPUR

WP NO. 511 /03

PETITIONER

Purushottam Lal Sahu, son of Sukaloo Ram Sahu, aged about 30 *years, occupation – Sarpanch Gram* Panchayat Deradih, R/O. Deradih, Tah. - Kasdol, Distt. Raipur (Chhattisgarh)

P. R. No. 3578/03
Presented by Shri Manish Pathare
dated 31/10/03

VERSUS

RESPONDENTS

1) State of Chhatisgarh, through : The Secretary, Department of Panchayat *Mantralaya, D.K.S. Building, Raipur* (Chhattisgarh).

2) The Chief Executive Officer, Gram Panchayat, Tah. Kasdol, Distt. *Raipur (Chhattisgarh).*

3) District Collector, Distt. Raipur (Chhattisgarh).

30/10/03

WRIT PETITION UNDER ARTICLES 226/ 227 OF THE CONSTITUION OF INDIA.

(30)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 511/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K. H. N. Kuranga, C.J.
& Hon'ble Justice L. C. Bhadoo, J.

15/10/2003

Petitioner by Smt. Renu Kocher, Advocate.

Respondents No. 1 and 3 by Shri Sunil Sinha, Additional Advocate General.

By this writ petition under Articles 226/227 of the Constitution of India the petitioner has challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of **Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892** and also in view of the order passed by this Court in the case of **Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002.** on 12.09/03

[पीछे देखिये

(31)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioner has also challenged the order of removal passed by the Collector, Raipur dated 8th January 2003 Annexure P/2. The petitioner has efficacious alternative remedy to file an appeal before the Director of Panchayat on the factual grounds against the order passed by the Collector.

In view of the above there is no force in the petition of the petitioner, the same is liable to be dismissed and it is dismissed. However, the petitioner shall be at liberty to file appeal before the Director of Panchayat against the order dated 8th January, 2003 by which he has been declared disqualified to continue as office bearer of the Village Panchayat Deradih, Tahsil- Kasdol, District-Raipur. The petitioner will be entitled to the benefit of the limitation for the time spent by them in litigating before this Court in this writ proceeding.

The parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Sd/-
L.C. Bhadoo
Judge

Thakur

28/X/06

[पीछे देखिये